



February 26, 2009

Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
West Building Ground Floor, Room W12-140  
Washington, DC 20590-0001

**Re: Docket No. TSA-2008-0021 Large Aircraft Security Program, Other Aircraft Operator Security Program, and Airport Operator Security Program - NPRM**

As President of the North Texas Business Aviation Association (NTBAA), I am submitting the following comments regarding the NPRM referenced above. A recently formed business and general aviation group, NTBAA currently has approximately 100 members from numerous aviation related businesses, corporate flight departments that include aircraft owners and operators.

NTBAA maintains that this proposal would create a major shift in the role of the Federal Government regarding the freedom of movement for private American citizens. It would require governmental review and authority before a person could operate their own personal transportation vehicle. NTBAA believes that such a significant shift that allows the government to review and approve the explicit rights of its citizens to assemble and the implicit right to their freedom of movement pose potentially substantial rights issues and significant cost burdens on the affected community.

In addition to acting as the current President of NTBAA, I am a Private Pilot and a small aviation marketing consulting business owner that relies solely on the business aviation industry for income.

I would like to begin by mentioning that the NTBAA supports the efforts to improve aviation and airport security and actively works with National Business Aviation Association (NBAA) to share best practices and implement current security programs at the local level.

There are three particular areas I would like to comment with regards to the impact and execution of this proposed ruling.

- Economic impact
- Accessibility to airports
- Weight threshold parameters



### **Economic Impact**

Most of us understand the term “Time is Money” and that is exactly why American citizens have been operating private aircraft for more than 60 years. This NPRM as written, will add substantial time to typical flight preparation and eliminate flexibility that every private aircraft owner and operator experiences today and that is part of their business case to own the aircraft. Therefore the time that it will take to administer this proposed program and the limitations it will imply will impact the cost of these operations well beyond the estimated cost referenced in this NPRM.

In addition the TSA averages the opportunity costs for crewmembers and other covered employees to complete STA requirements to be 30 minutes, for a cost of \$25.70 per covered employee. Most operators covered by this proposal have bases at airports without a TSA presence, so this number is more like a best-case scenario, not an average. To account for the total opportunity costs, TSA must include the time required to complete forms, drive to and from the fingerprinting collection location, have fingerprints taken, and confirm successful completion of the STA. NBAA estimates this time to be an average of 2 hours for a cost of \$102.80 per covered employee – four times TSA’s estimate.

### **Accessibility to Airports**

The NPRM references over 300 reliever airports but there are more than 5000 that are used on a regular basis by private aircraft owners and operators. There are currently 11 federally designated reliever airports in the 16 county North Central Texas region but 41 other public use airports that are not addressed in this NPRM. The citizens of North Texas cannot afford to lose access to these 41 airports and we should not risk such a negative financial impact on the small reliever airports with this current proposal.

### **Weight Threshold Parameters**

The reference in this NPRM establishes a 12,500 lbs aircraft weight to define the threat of a Large Aircraft but this actually would apply to some very small aircraft. A 12,500 pound aircraft is less than one-tenth the size of a Boeing 737. This weight class is unsubstantiated and we recommend addressing a more logical weight class to be determined by a rulemaking committee that includes general aviation representatives.

The fact is that one size does not fit all when it comes to aircraft security programs.

We at NTBAA support the suggestion from NBAA, AOPA and GAMA to form a rulemaking committee to bring TSA and industry together to address many of the concerns and challenges expressed at your public hearings and also in our comments.



We appreciate TSA's consideration of this request and stand ready to work with the agency to craft a rule that will serve the security needs of this country while balancing the rights and freedoms of its American citizens.

Regards,

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